

REMARKS

Applicant respectfully traverses and requests reconsideration.

As a preliminary matter, Applicant respectfully requests the Examiner to remove the finality of the rejection since it appears that the Office Action introduces a new basis for rejection not previously provided in the previous Office Action. For example, with respect to Claim 1 and the other claims rejected under 35 U.S.C. § 102(a), the Office Action in the “Examiner’s Response” section, uses a different basis of rejection. For example, in the previous Office Action, the Examiner stated that the claimed “second entity” was the “trigger” in the cited reference. Now for the first time, the final Action states that the “website” is the “second processing entity.” In addition, the “third processing entity” in the previous Office Action was alleged to be the java script installation script that let a client device use a client version registry to keep track of the software and keep track of versions and locations installed in the computer. (Page 4 of original Office Action).

However, in the final Office Action, the Examiner takes a new position and instead states that the third processing entity, is “wherever” the location of the updated software is. Hence, Applicant respectfully submits that since these are new reasons for rejection, the finality of the rejection should be withdrawn.

Claims 1-5, 8-10, 12-17, 20-21 and 23-26 stand rejected under 35 U.S.C. §102(a) as being anticipated by Netscape’s “SmartUpdate Developer’s Guide” dated March 11, 1999. The “SmartUpdate Developer’s Guide” describes from a software developer’s perspective, a mechanism for distributing and installing software over the internet and over intranets. Java Archive Files (JAR files) is an installable file downloaded to a user’s machine in response to JavaScript used to trigger a SmartUpdate installation from a web page. A Client Version

Registry is a cross platform registry that records all software installed through SmartUpdate and is stored on the user's machine. Content creators can modify their pages to initiate an installation through SmartUpdate. Users can securely download or install or update software on their machines.

In the "Examiner's Response," it appears that the Examiner may be misapprehending Applicant's claim language. In addition, Applicants have amended the claims to include the limitations of originally filed claims such as, for example, Claim 2. In addition, Applicant notes with respect to the independent claims that the additional language is inherent language of the original claim indicating that Applicant's claimed system, among other things, provides update complete data which is different from the updated data that is updated, such as a software program, under control of the third processing entity, for the second processing entity. As such, the update complete data that is provided is not the same data as the updated data but to the contrary is another piece of data such as a cookie or other suitable information sent by the third processing entity by way of the first processing entity to the second processing entity. No such update complete data is described as being sent by the alleged second entity of the reference. It appears that the Examiner also admits this in the response.

The Examiner states that "this limitation just says the third entity provides an update complete indication to the second entity. Clearly the second entity knows the update is complete (data provided) and is therefore able to provide web access to the first entity (user) ... a rather indirect, but still reasonable manner." Thus, the Examiner alleges that the cited reference by the fact that a software update is complete, somehow this is equivalent to Applicant's claimed invention. Applicant notes that the Examiner uses the words "complete indication." However, Applicant claims a different approach. The update complete data sent between the varying

entities is different from the updated data that is provided by the third processing entity to the first processing entity. Accordingly, this is distinctly different from the reference as admitted by the Examiner. As such, the claims are in condition for allowance. For example, as noted in Applicant's specification on pages 8 and 9, for example, the third processing entity sends an update complete and redirect command back to the first processing entity for detection by the second processing entity. The second processing entity is able to detect this because the first processing entity effectively resends the update complete data to the second processing entity. The update complete data and the redirect command include, for example, a URL of the second processing entity along with data representing a third processing entity cookie indicating it has been sent to the first processor. The first processor then sends, for example, the URL of the second processing entity in a header with the data software cookie that's set equal to "yes" as provided by the third processing entity. As such, in one example, the third processing entity provides update complete data, such as a cookie, to indicate that the update was complete. This cookie is then resent by way of the first entity to the second entity. The second entity analyzes this data to determine that the update has been complete. Such an operation is not described or suggested in the cited reference. Accordingly, these claims are in condition for allowance.

As to claim 14, the Office Action rejects this claim for the same reasons given with respect to claim 1. As such, Applicant respectfully reasserts the relevant remarks made above and also submits that claim 14 is allowable. Moreover, the Office Action, on page 7, does not make clear which element within SmartUpdate is the third processing entity. In any event, Applicant also respectfully notes that claim 14 requires other limitations not present in claim 1. For example, Applicant claims detecting the need to update web certificate data for the web browser and providing web certificate update complete data as well as sending an universal

resource locator associated with a processing entity to a web browser as claimed. The Office Action cites page 11, chapter 4, as describing detecting a need to update web certificate data. However, this portion merely indicates that signed Java classes may be used which are typically digitally signed objects or other information. There is no discussion of web certificates or a need to update web certificates as required by the claim. Accordingly, this claim is also believed to be in condition for allowance.

As to claim 2, Applicant respectfully submits that this claim is at least allowable depending from an allowable base claim.

As to claim 3, Applicant respectfully notes that this claim requires, among other things, providing update confirmation data from the first processing entity to the third processing entity in addition to the other limitations of claim 1. The Office Action indicates that it is inherent in that the first processing entity, which is allegedly a web browser and a third processing entity, which is allegedly the JAR file, would somehow require that the web browser must indicate the web browser status to the JAR file. However, this appears to be opposite of what the claim requires and also is consistent with the cited reference. The claim requires that update confirmation data be provided from the first processing entity, such as a computer with a web browser, to a third processing entity such as a server that provides the updated web certificates or other software. The JAR file in the SmartUpdate reference is merely a file containing, among other things, the software to be updated. There is no discussion or need for that JAR file to be updated by the web server. To the contrary, it is the JAR file that is used to update the software on the computer that contains the web browser as described in the SmartUpdate installation reference. Accordingly, this claim is believed to be in condition for allowance.

As to claim 4, Applicant again notes, respectfully, that the method requires providing update complete data for the second processing entity, namely the processing entity that detects a need to update data for the first processing entity, by way of the first processing entity. .

As to claim 5, this claim is also believed to be allowable for the reasons set forth above with respect to claim 4. Hence, the update complete data which is provided under control of the third processing entity, must be provided by way of the first processing entity. As such this relaying of the update complete data as required by the claim is not taught or suggested by the cited reference. As admitted in the final Office Action, the second entity is alleged to know that an update is complete and therefore able to provide web access to the first entity because the updated software is provided from the third entity to the first. There is no teaching or suggestion of relaying an update complete cookie or other information from the third processor to the first and subsequently from the first processor to the second as required by the claim. Accordingly, this claim is also in condition for allowance.

As to claim 8, this claim requires, among other things, that automatically directing of communication is done based on update confirmation data. The Office Action indicates it would be inherent. However, the Office Action appears to be using different definitions of first and second processing entities. In any event, Applicant respectfully notes that “update confirmation data” is different from “update complete data” as set forth in Applicant’s specification. As such, a first processing unit must generate update confirmation data indicating that confirmation data is sent from the first processing entity to the third processing entity (see, for example, page 8, lines 17-19 of Applicant’s specification). Applicant also respectfully submits that this claim is also allowable for the reasons set forth with respect to claim 1.

As to claims 9 and 10, Applicant respectfully notes that these claims include additional novel and nonobvious subject matter and are therefore also allowable.

As to claim 12, Applicant respectfully reasserts the relevant remarks made above with respect to claim 1.

As to claim 13, Applicant respectfully reasserts the relevant remarks made above with respect to claim 10.

As to claims 15-17 and 20-21, Applicant respectfully reasserts the relevant remarks made above with respect to claims 2-5 and 8-10.

Claims 6, 7, 11, 18, 19, 22 and 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the "SmartUpdate" reference and in further view of U.S. Patent No. 6,209,093 (Venkatesan et al). The Venkatesan reference is directed to a technique for producing a privately authenticatable product copy indicia and for authenticating such indicia. For example, the indicia may be the access code attached to a cover of a CD ROM and during subsequent user installation of a copy to a computer, the user enters the indicia when prompted by the installation program, which in turn privately authenticates a signature contained in the indicia in order to continue or prematurely terminate the installation. The indicia is turned into an authentic signature based on a public key crypto system. A third key is used in addition to conventional two public key crypto systems to give a unique product copy indicia.

As to claim 6, this claim requires, among other things, the step of detecting the need to update data for the first processing entity requires determining whether a connection request between the first and second processing entity includes the cookie associated with the second processing entity. The Office Action cites Venkatesan for teaching that cookies are used to communicate between two entities and that cookies can concern update information. However,

Applicant respectfully notes that the Office Action appears to be reading additional disclosure into the cited reference. The cited portion of the reference, namely, column 14, line 41 to column 15, line 6, indicates that the cookie referred to therein is merely a representation of the installation number such as the indicia that contains the authentic signature so that the client's computer contains the indicia. The indicia is not update information. Moreover, Applicant's claim requires that the system detects whether an update is necessary based on whether a cookie is included in the connection request when the cookie is associated with the second processing entity. The indicia in Venkatesan is also not used to determine whether to update data. Such a method is not taught or suggested by the cited references and accordingly, this claim is also believed to be in condition for allowance.

As to claim 7, this claim requires, among other limitations, that the data being updated is certificate data and also requires determining whether a certificate update should occur based on whether cookies have been received by the first processing entity from both the second and third processing entities. As such, cookies must be placed by the second and third processing entities and analyzed by the first processing entity to determine whether a certificate update should occur. Applicant respectfully reasserts the relevant remarks made above with respect to the Venkatesan reference and further notes that Venkatesan and the SmartUpdate reference are silent as to certificate update techniques as claimed and are also silent as to utilizing cookies from both the second and third processing entities as detected by the first processing entity as claimed. As such, Applicant respectfully submits that this claim is also in condition for allowance.

As to claim 11, this claim requires directing the update complete data to the second processing entity by using a redirect command back to the first processing entity as initiated by the third processing entity and in addition, sending a response to the update complete data, a

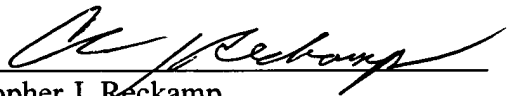
cookie from the second processing entity to the first processing entity to confirm acceptance of the update. Applicant respectfully reasserts the relevant remarks made above with respect to the Venkatesan and also notes that there is no teaching or suggestion to combine the references. Moreover, even in combining the references, there is no teaching or suggestion of sending a cookie from the second processing unit to the first processing unit to confirm that acceptance of the update nor in providing updated complete data is done under the control of the third processing entity as claimed. Accordingly, this claim is also believed to be in condition for allowance. As previously noted, the SmartUpdate developer reference does not appear to provide any disclosure as to any closed loop system.

As to claims 18, 19 and 22, Applicant respectfully reasserts the relevant remarks made above with respect to claims 6, 7 and 11.

With respect to claim 27, Applicant respectfully reasserts the relevant remarks made above with respect to claims 6 and 7.

Accordingly, Applicant respectfully submits that the claims are in condition for allowance, and that an early Notice of Allowance be issued in this application. The Examiner is invited to contact the below-listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

Respectfully submitted,

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